IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :27044 of 2006

Dated: 24th August 2007.

Between:

D.Ramchandraiah, S/o D.Nagaiah, Aged 45 years, Occ: Business, R/o Raikal Village, Farooqnagar Mandal, Mahabubnagar District.

..... PETITIONER

AND

The Circle Inspector of Police, Jadcherla, Mahabubnagar District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.NO.27044 OF 2006

ORAL ORDER:

This writ petition has been instituted seeking a writ of mandamus to declare the action of respondents 1 and 2 in taking the petitioner to the police station on 21st and 22nd December 2006 and seeking to interfere with his peaceful life and liberty by coercing him to sell the house Plot No.18, which is an extent 200 square yards in Block No.1, Survey No.64/1, situated at Badepally Village, Jadcherla Mandal, Mahabubnagar District, in favour of the 3rd respondent, as bad in law.

The writ petitioner has asserted that he has purchased a small piece of land from one Meenuga Niranjanamma W/o Chandraiah, through a registered sale deed on 9th July 1990 and that he was only enjoying the peaceful possession of the said property and that it is the 3rd respondent who made an illegal attempt to encroach upon the said land and attempted to cause disturbance to the peaceful enjoyment and possession of the said property, thus, the petitioner has been forced to institute a civil suit in O.S.No.251

of 2006 against the 3rd respondent herein and that, in fact, the learned Senior Civil Judge at Mahabubnagar had also granted *ad interim injunction* against the 3rd respondent from interfering with his possession over this suit scheduled property comprising of the aforementioned Plot No.18 and that the *injunction* granted by the learned Senior Civil Judge on 01-12-2006 was subsisting and that the 3rd respondent, using his reach to the respondents 1 and 2, had influenced them so that coercive measures can be taken to make the writ petitioner surrender to the dictates of the 3rd respondent. Therefore, the writ petitioner alleges that respondents 1 and 2 in gross abuse of their official position have indulged in illegal acts of summoning and detaining him at the police station for hours together and then unlashing threats against him with instructions to part with the property comprising of Plot No.18 in favour of the 3rd respondent.

The Sub Inspector of Police of Jadcherla Police Station had filed a detailed counter affidavit in the matter today.

The learned Government Pleader for Home has also produced the relevant record. It discloses that a complaint has been lodged on 22-12-2006 and based

there on, as a part of investigation, the Station House Officer had addressed the Sub Registrar, Jadcherla to furnish the encumbrance certificate with regard to the disputed land in question. Further, the 3rd respondent had also produced copies of the registered sale deed evidencing purchase of immovable property comprising of Plot Nos. 1, 2, 15 and 16 from Smt. Meenuga Niranjanamma W/o Chandraiah, who is, interestingly, the same vendor who sold Plot No.18 to the writ petitioner herein. It is manifestly clear that the

3rd respondent had lodged the complaint when an attempt to encroach upon or interfere with his peaceful possession of Plot Nos. 1, 2, 15 and 16, was found to be threatened. The 3rd respondent never made any claim of ownership over Plot No.18. Admittedly, Plot No.18 is owned by the petitioner, whereas the 3rd respondent owns Plot Nos. 1, 2, 15 and 16, which are distinct and separate. Unnecessarily an existing civil dispute has been sought to be made the subject matter of consideration in this writ petition. As a part of investigation into the complaint lodged by the 3rd respondent on 22-12-2006, if the petitioner has been summoned to the police station it is only for the purpose of ascertaining

the truth or otherwise of the claims and counter claims. The police have specifically denied that the writ petitioner has been detained for hours together either in the police station or anywhere else.

I do not find any justification, whatsoever, to entertain this writ petition. In the face of the denial made by the Sub Inspector of Police, Jedcherla in the counter affidavit, there is no material on record to dispute or controvert the statements of fact asserted by the police.

In this view of the matter, there is no merit in the writ petition and the same is accordingly, dismissed, but however, with out costs.

Nooty Ramamohana Rao, J

mrk

24th August 2007.